



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER OF PATENTS AND TRADEMARKS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

m. 17.

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/913,308	01/17/2002	James Redding	32414.28	6786

7590 05/21/2003

Fredrikson & Byron
1100 International Centre
900 Second Avenue South
Minneapolis, MN 55402

EXAMINER

PARADISO, JOHN ROGER

ART UNIT	PAPER NUMBER
----------	--------------

3721

DATE MAILED: 05/21/2003

11

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/913,308

Applicant(s)

REDDING, JAMES

Examiner

John R. Paradiso

Art Unit

3721

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 10 February 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-26 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-26 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☒ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ 6) ☐ Other: _____

DETAILED ACTION

Priority

1. Acknowledgment is made of applicant's claim for foreign priority based on an application filed in the United Kingdom on 12/2/1999. It is noted, however, that applicant has not filed a certified copy of the foreign application as required by 35 U.S.C. 119(b).

Response to Amendments

2. In view of the amendments filed 2/10/2003, the objections to the Specification regarding the Abstract are hereby withdrawn.

3. Applicant's arguments filed 2/10/2003 have been considered but are moot in view of the new ground(s) of rejection.

Claim Objections

4. Claim 7 objected to because of the following informalities: claim 7 lines 1-2 recite dependence on "Claim 6 when dependent upon claim 3 or any Claim dependent thereon" but claim 6 recites dependency solely on claim 1.

Appropriate correction is required.

Claim Rejections - 35 USC § 112

5. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

6. Claim 5 is rejected under 35 U.S.C. 112, first paragraph, as based on a disclosure which is not enabling. The Specification explains a sensor that detects items in the passage (8), not a current flow sensor, as recited in claim 5.

7. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

8. Regarding claim 6 line 2, the phrase "in particular" renders the claim indefinite because it is unclear whether the limitations following the phrase are part of the claimed invention.

Claim Rejections - 35 USC § 103

9. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

10. Claims 1, 2, and 8-26 are rejected under 35 U.S.C. 103(a) as being unpatentable over LEWIS (US 3824763) in view of HALIC (US 5700195).

HALIC discloses a secure container (4) secured by a lock (11) and with an inlet (7) for accepting deposits of currency. The currency is moved through a passage to a validator (1) which validates and identifies the validity and type of currency, and from there the currency is moved to a removable container (2).

HALIC does not disclose the currency being moved by a gas stream.

LEWIS discloses a device for packaging items in which the items are moved through a channel (20) by means of gas flow. The gas enters the channel by means of gas jets (36) that enter the channel at 45 degree angles. The item is then deposited in a bag (80) and the bag is sealed.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to use the channel and gas flow of LEWIS in the invention of HALIC in order to reduce the opportunity for damage to the items in handling.

Art Unit: 3721

Regarding claim 6, Applicant is given Official Notice that the use of time-delay locks in cash storage and transfer mechanisms is well known in the art and it would have been obvious to one of ordinary skill in the art at the time the invention was made to use a time-delay lock in the combination of LEWIS and HALIC in order to reduce the chance of theft.

Note that claim 1 lines 9-10 recite “the removable package (7) is sealed in a tamper evident manner before the removable package (7) can be removed from the housing” which constitutes only functional language and is therefor given little patentable weight in the apparatus claim.

Note that claim 11 recites “the removable package .. is identifiable” and also the package “can be associated with the stored identification..”. These phrases do not limit the claimed subject matter in any way, since any item *can be* identified (somehow) and any two items *can be* put together (which would constituted association). There is no positive recitation of structure in the claim that would make give this functional language patentable weight.

Art Unit: 3721

11. Claims 3-7 are rejected under 35 U.S.C. 103(a) as being unpatentable over LEWIS in view of HALIC as applied to claim 2 above, and further in view of ARZUMAN ET AL (US 5673.

The combination of LEWIS and HALIC, as described above, does not disclose the use of a heat-sealer to close the bag.

ARZUMAN ET AL discloses a packaging system in which articles are placed in a plastic bag (38) and the bag is heat-sealed by a heat-seal blade (155).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to use the heat-seal blade of ARZUMAN ET AL in the combination of LEWIS and HALIC in order to more permanently and securely close the bag before it is removed.

Reference Citations

12. The following prior art made of record and not relied upon is considered pertinent to Applicant's disclosure:

- PONGRASS ET AL discloses a machine for packaging articles in heat-sealed bags.
- CARROLL discloses a packaging machine with a gas outlet for releasing the gas from a gas feed mechanism.
- MILLER ET AL discloses a machine with a currency validator and secure storage compartment.
- CRONAUER discloses a packaging machine in which forced air moves the articles to be packaged.

Art Unit: 3721

Conclusion

13. Any inquiry concerning this communication or earlier communications from the examiner should be directed to John Paradiso. The examiner can normally be reached Monday-Friday, 9:30 p.m. – 6:00 p.m. (ET).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Rinaldi Rada, can be reached at the number listed below.

Any inquiry of a general nature or relating to the status of this application should be directed to the 3700 Technology Center receptionist.



Examiner John Paradiso: (703) 308-2825

May 18, 2003

Additional Phone Numbers

Supervisor Rinaldi Rada: (703) 308-2187
Receptionist: (703) 308-1148
Customer Service: (703) 872-9301

Fax (Direct to Examiner): (703) 746-3253
Fax (TC 3700 Official): (703) 872-9302
Fax (TC 3700 After Final): (703) 872-9303